

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JORGE BERMUDEZ, et al.,

Plaintiffs,

v.

SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 521,
et al.,

Defendants.

Case No. 18-cv-04312-VC

**QUESTIONS FOR PRELIMINARY
APPROVAL HEARING**

The parties should be prepared to discuss the following issues at the preliminary approval hearing (although other issues may be discussed as well):

- Do the potential commonality and typicality problems identified on page 5 of the motion prevent certifying a class for settlement purposes?
- The motion describes the predominant legal question in the case as whether the union's conduct "violated the First Amendment" (p. 13), but the proposed class period appears to be based on the statute of limitations for the conversion and restitution claims (p. 7). Does this reflect a flaw in the composition of the class?
- Might union members who communicated an explicit intent to resign from the union have stronger claims than those who merely checked the "fair share fees" box on their forms? If so, should those class members who explicitly sought to resign be receiving a premium (a greater pro rata share of the fund)?
- Why was the potential total recovery for the class calculated using a list of "at least 150 class members," rather than all 183 class members?
- Does this case require notice to government officials under CAFA? *See* 28 U.S.C.

§ 1715; Procedural Guidance for Class Action Settlements (N.D. Cal.).

- Should class members be notified of the proposed settlement by email in addition to regular mail?

IT IS SO ORDERED.

Dated: January 7, 2020



VINCE CHHABRIA
United States District Judge